

Recognizing American Children Act

Allows undocumented immigrants the opportunity to adjust their residency status if they achieve a degree from institution of higher education/or vocational, enlist in the Armed Services, or are gainfully employed, and meet certain other criteria.

The legislation authorizes the Secretary of Homeland Security to suspend the removal of an undocumented immigrant and grant them conditional non-immigrant status (upon application) if the individual petitions for such suspension and meets the following requirements:

- ✓ Obtained a high school diploma or equivalent
- ✓ Arrived in the U.S. before the age of 16, before January 1, 2010
- ✓ Maintained residence in the U.S. for at least the previous five consecutive years
- ✓ Has demonstrated “good moral conduct” as defined by U.S. Code Title 8 Section 1227(a)

For students:

- Has been accepted to an accredited school of higher education or vocational school.

For military

- Demonstrates intent to enlist into a branch of the U.S. armed forces.

For workers:

- Has an existing, valid work authorization.

The conditional non-immigrant status will be granted for five years. However, it will be immediately revoked if the individual:

- ✓ Fails to continue demonstrating “good moral conduct”
- ✓ Becomes a public charge, primarily dependent on the government for subsistence.
- ✓ Does not enlist or does not get accepted into a branch of the U.S. armed forces within nine months of obtaining non-immigrant status
- ✓ Receives a dishonorable or other than honorable discharge from the armed forces
- ✓ For workers, have been unemployed for more than 12 months.

States would not be penalized for offering in-state tuition for students under this program

The Secretary of Homeland Security shall extend non-immigrant status for an additional five years if the individual:

- ✓ Has graduated from an accredited institution of higher education or vocational school
- ✓ Has served at least three years in the Armed Services, or otherwise honorably discharged
- ✓ Continues to demonstrate “good moral conduct”
- ✓ For workers, has been gainfully employed for at least 48 months
- ✓ Has maintained residence in the U.S. throughout their studies (absences for military service abroad are excused)

After receiving the additional five year non-immigrant status extension, alien may apply for legal permanent status. Military enlistees can immediately apply for naturalization.